

REMARKS

Initially, Applicants filed an Information Disclosure Statement (IDS) on January 18, 2006. In paragraph 2 of the final Office Action, the Examiner indicated that the IDS complied with the provisions of 37 C.F.R. 1.97 and is being considered by the Examiner. The Examiner returned a copy of the form PTO-1449 that accompanied the IDS to Applicants with the final Office Action. Applicants note that the returned copy of the form PTO-1449 does not indicate that Examiner considered the non-patent document cited on the form PTO-1449. Applicants respectfully request that the Examiner indicate that the document has been considered by initialing in the appropriate place on the form PTO-1449, and return a copy of the form PTO-1449 to Applicants with the next communication.

In the final Office Action, the Examiner rejected claims 26-32, 35-41, 44-48, 50, and 52 under 35 U.S.C. § 102(e) as anticipated by Albal et al. (U.S. Patent Publication No. 2003/0147518); and rejected claims 33, 34, 42, 43, 49, and 51 under 35 U.S.C. § 103(a) as unpatentable over Albal et al. in view of Ksiazek (U.S. Patent No. 6,597,765).

Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 102 and 103. Claims 26-52 remain pending.

REJECTION UNDER 35 U.S.C. § 102 BASED ON ALBAL ET AL.

In paragraphs 4-9 and 14-16 of the final Office Action, the Examiner rejected claims 26-32, 35-41, 44-48, 50, and 52 under 35 U.S.C. § 102(e) as allegedly anticipated by Albal et al. Applicants respectfully traverse the rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either expressly or impliedly. Any feature not directly taught

must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. Albal et al. does not disclose or suggest the combination of features recited in claims 26-32, 35-41, 44-48, 50, and 52.

Independent claim 26, for example, is directed to a method performed by a voice portal. The method comprises receiving a call from a caller, where the call includes identifying information; identifying a first voice character, based on the identifying information, to be used by the voice portal when audibly interacting with the caller; detecting a speaking voice associated with the caller through the voice portal interaction with the caller; identifying a second voice character based on the detected speaking voice associated with the caller; and changing from the first voice character to the second voice character when further audibly interacting with the caller.

Albal et al. does not disclose or suggest the combination of features recited in claim 26. For example, Albal et al. does not disclose or suggest identifying a second voice character based on a speaking voice detected through the voice portal interaction with the caller.

The Examiner alleged that Albal et al. discloses:

based on the user speech pattern determined/identified by the "ASR" 254 above, the communication node 212 can provide various dialog voice personalities and can implement various grammars/vocabulary to detect and respond to the audio inputs from the user, i.e., interacting with the caller in a second voice character based on the identified caller's speech pattern

(emphasis in original) and cited paragraphs 0047 and 0066 of Albal et al. for support (final Office Action, paragraph 5). Applicants respectfully submit that the Examiner's allegation finds no support in the Albal et al. disclosure. Nowhere does Albal et al. disclose or remotely suggest a communication node that provides various dialog voice personalities based on a user speech

pattern determined/identified by the ASR, as alleged by the Examiner.

At paragraph 0047, Albal et al. discloses:

The node 212 can provide various dialog voice personalities (i.e., a female voice, a male voice, etc.) and can implement various grammars (i.e., vocabulary) to detect and respond to the audio inputs from the user. In addition, the communication node can automatically select various speech recognition models (i.e., an English model, a Spanish model, an English accent model, etc.) based upon a user profile, the user's communication device, and/or the user's speech patterns. The communication node 212 can also allow the user to select a particular speech recognition model.

In this section, Albal et al. discloses that node 212 can provide various dialog voice personalities, such as a female voice, a male voice, etc., and implement various grammars to detect and respond to the audio inputs from the user. Albal et al. also discloses that the communication node 212 can automatically select various speech recognition models (i.e., an English model, a Spanish model, an English accent model, etc.) based on a user profile, the user's communication device, and/or the user's speech patterns.

The Examiner apparently equates the various dialog voice personalities disclosed in Albal et al. to the first and second voice characters recited in claim 26. With this interpretation in mind, Albal et al. discloses that node 212 can provide various dialog voice personalities (i.e., a female voice, a male voice, etc.). Nowhere does Albal et al. disclose or remotely suggest identifying a second dialog voice personality based on a speaking voice detected through the voice portal interaction with the caller, as would be required by claim 26.

If the Examiner is instead equating the various speech recognition models disclosed in Albal et al. to the first and second voice characters recited in claim 26, Applicants respectfully disagree. Applicants' specification defines the term "voice character" as all aspects of speech pronunciation including dialect, speed, volume, gender of speaker, pitch, language, voice talent

used, actor, characteristics of speech, and/or other prosody values (page 16, lines 21-23). By contrast, a speech recognition model is used to detect voice communications from a user (Albal et al., paragraph 0066). Therefore, a speech recognition model has a completely different function from that of a voice character. Accordingly, no reasonable allegation can be made that a speech recognition model is the same as a voice character. As such, nowhere in the above-identified section, or elsewhere, does Albal et al. disclose or remotely suggest identifying a second voice character based on a speaking voice detected through the voice portal interaction with the caller, as required by claim 26.

At paragraph 0066, Albal et al. discloses:

The ASR unit 254 of the VRU server 234 provides speaker dependent or independent automatic speech recognition of speech inputs or communications from the user. It is contemplated that the ASR unit 254 can include speaker dependent speech recognition. The ASR unit 254 processes the speech inputs from the user to determine whether a word or a speech pattern matches any of the grammars or vocabulary stored in the database server unit 244 or downloaded from the voice browser. When the ASR unit 254 identifies a selected speech pattern of the speech inputs, the ASR unit 254 sends an output signal to implement the specific function associated with the recognized voice pattern. The ASR unit 254 is preferably a speaker independent speech recognition software package, Model No. RecServer, available from Nuance Communications. It is contemplated that the ASR unit 254 can be any suitable speech recognition unit to detect voice communications from a user.

In this section, Albal et al. discloses that ASR unit 254 identifies a selected speech pattern based on speech inputs from a user and sends an output signal to implement a specific function associated with the recognized voice pattern. Albal et al. discloses that this specific function might include a variety of services and features, such as voice dialing, voice paging, facsimiles, caller announcements, voice mails, reminders, call forwarding, call recording, content information, read e-mail, read calendars, read to-do lists, banking, v-commerce, e-commerce, etc. (paragraph 0050). None of these services or features remotely corresponds to identifying a

second voice character, as required by claim 26. In other words, nowhere in the above-identified section, or elsewhere, does Albal et al. disclose or remotely suggest identifying a second voice character based on a speaking voice detected through the voice portal interaction with the caller, as required by claim 26.

The Examiner also alleged that

one having ordinary skill in the art would have appreciated that the selected speech pattern of the user speech inputs identified by the "ASR" unit 254, i.e., referred as "the user's speech pattern", can be used/applied by the communication node 212 to select the appropriate dialog voice personality associated with the identified speech pattern from the user speech inputs.

(emphasis added) (final Office Action, paragraph 17(A)). The Examiner's allegation is based solely on possibilities and impermissible hindsight reasoning, and falls short of establishing a proper rejection under 35 U.S.C. § 102. The mere allegation that something "can" occur in the Albal et al. system is insufficient to establish a rejection under 35 U.S.C. § 102. There is simply nothing in the disclosure of Albal et al. that can reasonably be equated to identifying a second voice character based on a speaking voice detected through the voice portal interaction with the caller, as required by claim 26.

Albal et al. also does not disclose or suggest changing from the first voice character to the second voice character when further audibly interacting with the caller, as further recited in claim 26. The Examiner alleged that Albal et al. discloses:

the application server 242 retrieves the information, processed the retrieved information and provides/outputs the information to the user according to one of various dialog voice personalities selected and provided by the communication node 212, i.e., outputs the information according to a second voice character based on the identified caller's speech pattern

(emphasis in original) and cited paragraphs 0066 and 0074 of Albal et al. for support (final Office Action, paragraph 5). Applicants respectfully disagree.

Paragraph 0066 of Albal et al. is reproduced above. In this section, Albal et al. discloses that ASR unit 254 identifies a selected speech pattern based on speech inputs from a user and sends an output signal to implement a specific function associated with the recognized voice pattern. Albal et al. discloses that this specific function might include a variety of services and features, such as voice dialing, voice paging, facsimiles, caller announcements, voice mails, reminders, call forwarding, call recording, content information, read e-mail, read calendars, read to-do lists, banking, v-commerce, e-commerce, etc. (paragraph 0050). None of these services or features remotely corresponds to changing from a first voice character to a second voice character when further audibly interacting with a caller, as required by claim 26.

At paragraph 0074, Albal et al. discloses:

The application server 242 of the communication node 212 is preferably connected to the LAN 240 and the content provider 209. The application server 242 allows the communication node 212 to access information from a destination of the information sources, such as the content providers and markup language servers. For example, the application server can retrieve information (i.e., weather reports, stock information, traffic reports, restaurants, flower shops, banks, calendars, "to-do" lists, e-commerce, etc.) from a destination of the information sources. This application server may include Starfish Software to provide the address book, calendar, and to-do lists and allow the user to organize information. The application server 242 processes the retrieved information and provides the information to the VRU server 234 and the voice browser 250. The VRU server 234 can provide an audio announcement to the user based upon the information using text-to-speech synthesizing or human recorded voice. The application server 242 can also send tasks or requests (i.e., transactional information) received from the user to the information sources (i.e., a request to place an order for a pizza). The application server 242 can further receive user inputs from the VRU server 234 based upon a speech recognition output. The application server is preferably a computer, such as an NT Windows compatible computer.

In this section, Albal et al. discloses that VRU server 234 can provide an audio announcement to the user based on information using text-to-speech synthesizing or a human recorded voice. Nowhere in the above-identified sections, or elsewhere, does Albal et al. disclose or remotely suggest changing from a first voice character to a second voice character when further audibly

interacting with a caller, as required by claim 26.

The Examiner also alleged that

after receiving and processing the user speech inputs by the "ASR" 254 to determine the user's speech pattern and after retrieving the information, processing the retrieved information by the application server 242, the information is outputted to the user according to one of various dialog voice personalities selected and provided . . . by the communication node 212 (i.e., outputs the information according to a second voice character based on the identified caller's speech pattern)

(emphasis in original) (final Office Action, paragraph 17(B)). Applicants submit that the Examiner's allegation is unreasonable and finds no support in the disclosure of Albal et al. There is simply nothing in the disclosure of Albal et al. that can reasonably be equated to changing from the first voice character to the second voice character when further audibly interacting with the caller, as required by claim 26.

For at least these reasons, Applicants submit that claim 26 is not anticipated by Albal et al. Claims 27-32 depend from claim 26 and are, therefore, not anticipated by Albal et al. for at least the reasons given with regard to claim 26. Claims 27-32 are also not anticipated by Albal et al. for reasons of their own.

For example, claim 28 recites determining the first voice character as a voice character associated with a determined locale. Albal et al. does not disclose or suggest the combination of features recited in claim 28.

The Examiner alleged that Albal et al. discloses:

based on the identified country code, area code and prefix that designates a particular geographic location, the caller's telephone number can identify a locale such as a city, state, region, country, and/or a particular place such as a hospital or a nursing home, etc., the communication node 212 can automatically select a voice character from various dialog voice personalities such as a female voice, a male voice, etc., based upon the identified particular geographic location from the caller telephone number, i.e., based upon the identified local to provide an appropriate greeting/prompt to the user "Hi, this is your personal agent, Maya, Welcome Bob. How may I help you?"

(emphasis in original) and cited paragraphs 0047 and 0048 of Albal et al. for support (final Office Action, paragraph 6). Applicants respectfully submit that the Examiner's allegation finds no support in the disclosure of Albal et al. Albal et al. discloses various dialog voice personalities, but does not disclose or remotely suggest that a dialog voice personality is automatically selected based on an identified locale or even an automatic number identification ANI or caller line identification CLI, as alleged by the Examiner.

At paragraphs 0047 and 0048, Albal et al. discloses:

The node 212 can provide various dialog voice personalities (i.e., a female voice, a male voice, etc.) and can implement various grammars (i.e., vocabulary) to detect and respond to the audio inputs from the user. In addition, the communication node can automatically select various speech recognition models (i.e., an English model, a Spanish model, an English accent model, etc.) based upon a user profile, the user's communication device, and/or the user's speech patterns. The communication node 212 can also allow the user to select a particular speech recognition model.

When a user accesses the electronic network 206 from a communication device registered with the system (i.e., a user's home phone, work phone, cellular phone, etc.), the communication node 212 can by-pass a user screening option and automatically identify the user (or the type of the user's communication device) through the use of automatic number identification (ANI) or caller line identification (CLI). After the communication node verifies the call, the node provides a greeting to the user (i.e., "Hi, this is your personal agent, Maya. Welcome Bob. How may I help you?"). The communication node then enters into a dialogue with the user, and the user can select a variety of information offered by the communication node.

In these sections, Albal et al. discloses that node 212 can provide various dialog voice personalities and that after the node verifies a call, the node provides a greeting to the user. Nowhere in these sections, or elsewhere, does Albal et al. disclose or remotely suggest determining the first voice character as a voice character associated with a determined locale, as required by claim 28.

For at least these additional reasons, Applicants submit that claim 28 is not anticipated by

Albal et al.

Claim 29 recites presenting prompts to the caller based on the determined locale. Albal et al. does not disclose or suggest the combination of features recited in claim 29.

The Examiner alleged that Albal et al. discloses:

based on the identified country code, area code and prefix that designates a particular geographic location, the caller's telephone number can identify a locale such as a city, state, region, country, and/or a particular place such as a hospital or a nursing home, etc., the communication node 212 can automatically select a voice character from various dialog voice personalities such as a female voice, a male voice, etc., based upon the identified particular geographic location from the caller telephone number, i.e., based upon the identified local to provide an appropriate greeting/prompt to the user "Hi, this is your personal agent, Maya, Welcome Bob. How may I help you?"

(emphasis in original) and cited paragraphs 0047 and 0048 of Albal et al. for support (final Office Action, paragraph 6). Applicants respectfully submit that the Examiner's allegation finds no support in the disclosure of Albal et al. Albal et al. discloses providing a greeting to a user, but does not disclose or remotely suggest that a greeting is provided based on an identified locale, as alleged by the Examiner.

Paragraphs 0047 and 0048, of Albal et al. are reproduced above. In these sections, Albal et al. discloses that node 212 can provide various dialog voice personalities and that after the node verifies a call, the node provides a greeting to the user. Nowhere in these sections, or elsewhere, does Albal et al. disclose or remotely suggest presenting prompts to the caller based on a determined locale, as required by claim 29.

For at least these additional reasons, Applicants submit that claim 29 is not anticipated by Albal et al.

Independent claims 35 and 52 recite features similar to, but possibly different in scope from, features recited in claim 26. Claims 35 and 52 are, therefore, not anticipated by Albal et

al. for at least reasons similar to reasons given with regard to claim 26. Claims 36-41 depend from claim 35. Claims 36-41 are, therefore, not anticipated by Albal et al. for at least the reasons given with regard to claim 35. Claims 36-41 also recite features similar to, but possibly different in scope from, features recited in claims 27-32. Claims 36-41 are, therefore, also not anticipated by Albal et al. for at least reasons similar to reasons given with regard to claims 27-32.

Independent claim 44 recites features similar to, but possibly different in scope from, features recited in claims 26 and 28. Claim 44 is, therefore, not anticipated by Albal et al. for at least reasons similar to reasons given with regard to claims 26 and 28. Claims 45-48 and 50 depend from claim 44. Claims 45-48 and 50 are, therefore, not anticipated by Albal et al. for at least the reasons given with regard to claim 44. Claims 45-48 and 50 also recite features similar to, but possibly different in scope from, features recited in claims 27-32. Claims 45-48 and 50 are, therefore, also not anticipated by Albal et al. for at least reasons similar to reasons given with regard to claims 27-32.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 26-32, 35-41, 44-48, 50, and 52 under 35 U.S.C. § 102 based on Albal et al.

REJECTION UNDER 35 U.S.C. § 103 BASED ON ALBAL ET AL. AND KSIAZEK

In paragraphs 11-16 of the final Office Action, the Examiner rejected claims 33, 34, 42, 43, 49, and 51 under 35 U.S.C. § 103(a) as allegedly unpatentable over Albal et al. in view of Ksiazek. Applicants respectfully traverse the rejection.

Claims 33 and 34 depend from claim 26, claims 42 and 43 depend from claim 35, and claims 49 and 51 depend from claim 44. Without acquiescing in the Examiner's rejection of claims 33, 34, 42, 43, 49, and 51, Applicants respectfully submit that the disclosure of Ksiazek

does not cure the deficiencies in the disclosure of Albal et al. identified above with regard to claims 26, 35, and 44. Therefore, claims 33, 34, 42, 43, 49, and 51 are patentable over Albal et al. and Ksiazek, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claims 26, 35, and 44.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 33, 34, 42, 43, 49, and 51 under 35 U.S.C. § 103 based on Albal et al. and Ksiazek.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 35 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess

PATENT
Application Serial No. 09/523,853
Docket No. 0055-0023

fees to such deposit account.

Respectfully submitted,
HARRITY SNYDER, LLP

By: Paul A. Harrity
Paul A. Harrity
Reg. No. 39,574

Date: August 21, 2006

11350 RANDOM HILLS ROAD
SUITE 600
FAIRFAX, VIRGINIA 22030
TELEPHONE: 571-432-0800
FACSIMILE: 571-432-0808